

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN (DUBUQUE) DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD and
JENISE COLVIN,

Defendants.

No. 22-CR-1037

SUPERSEDING INDICTMENT

Count 1

21 U.S.C. § 841(a)(1)

Possession with Intent to Distribute
a Controlled Substance
(ASHFORD)

Count 2

18 U.S.C. § 924(c)(1)

Possession Of Firearm During and
In Furtherance of a Drug Trafficking
Crime
(ASHFORD)

Count 3

18 U.S.C. § 922(g)(1):

Possession of a Firearm by a Felon
(ASHFORD)

Count 4

21 U.S.C. § 841(a)(1)

Possession with Intent to Distribute
a Controlled Substance
(ASHFORD)

Count 5

18 U.S.C. §§ 371, 1512(b)

Conspiracy to Tamper with a
Witness
(ASHFORD, COLVIN)

Count 6

18 U.S.C. §§ 1512(b)(1), 1512(b)(3), 2
Tampering with a Witness
(COLVIN)

)
) **Count 7**
) 18 U.S.C. §§ 1512(b)(1), 1512(b)(3)
) Tampering with a Witness
) (ASHFORD)
)
Forfeiture Allegation

The Grand Jury charges:

Count 1

Possession with Intent to Distribute a Controlled Substance

On or about January 8, 2022, in the Northern District of Iowa, defendant MICHAEL LYNN ASHFORD, did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, and marijuana, a Schedule I controlled substance.

Before defendant MICHAEL LYNN ASHFORD committed the offense charged in this Count, he was convicted of the following offenses:

- (1) Conspiracy with Intent to Deliver Crack Under 10 grams, in Dubuque County District Court, on or about May 12, 2020, in case number FECR135419, a felony drug offense.
- (2) Manufacture/Delivery of Cannabis, more than 30 grams but not more than 500 grams, in the Circuit Court of Cook County, on or about August 27, 2013, in case number 12CR1251301, a felony drug offense.

(3) Delivery of Cannabis on school grounds, greater than 30 and less than 500 grams, in the Circuit Court of Cook County, on or about May 30, 2000, in case number 00CR1021401, a felony drug offense.

This was in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), 841(b)(1)(D), and 851.

Count 2

**Possession of a Firearm During and in Furtherance
of a Drug Trafficking Crime**

On or about January 8, 2022, in the Northern District of Iowa, defendant, MICHAEL LYNN ASHFORD, did knowingly:

(1) possess a firearm, that is a Ruger LCP .380 handgun, in furtherance of a drug trafficking crime

for which he may be prosecuted in a court of the United States, that is he did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, and marijuana, a Schedule I controlled substance, as alleged in Count 1 of this Indictment.

This was in violation of Title 18, United States Code, Section 924(c)(1).

Count 3

Possession of a Firearm by a Felon

On or about January 8, 2022, in the Northern District of Iowa, defendant MICHAEL LYNN ASHFORD, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a

firearm, specifically, a Ruger LCP .380 handgun, and the firearm was in and affecting commerce.

Defendant was previously convicted of the following crimes punishable by imprisonment for a term exceeding one year:

- (1) Conspiracy with Intent to Deliver Crack Under 10 grams, in Dubuque County District Court, on or about May 12, 2020, in case number FECR135419
- (2) Possession of Cannabis, more than 500 grams, in the Circuit Court of Cook County, on or about August 27, 2013, in case number 13CR0393101
- (3) Manufacture/Delivery of Cannabis, more than 30 grams but not more than 500 grams, in the Circuit Court of Cook County, on or about August 27, 2013, in case number 12CR1251301
- (4) Possession of Cannabis, 10-30 grams, Subsequent, in the Circuit Court of Cook County, on or about August 27, 2013, in case number 11CR1492301
- (5) Aggravated unlawful use of a weapon, carries on his person or in any vehicle, previous conviction, in the Circuit Court of Cook County, on or about June 8, 2004, in case number 04CR1073801
- (6) Aggravated Battery in a Public Place, in the Circuit Court of Cook County, on or about September 23, 2003, in case number 03CR0963901
- (7) Delivery of Cannabis on school grounds, greater than 30 and less than 500 grams, in the Circuit Court of Cook County, on or about May 30, 2000, in case number 00CR1021401

This was in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Count 4

Possession with Intent to Distribute a Controlled Substance

On or about January 14, 2022, in the Northern District of Iowa, defendant MICHAEL LYNN ASHFORD, did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, a mixture or substance containing a detectable amount of cocaine base, a Schedule II controlled substance, a mixture or substance containing a detectable amount of salt of cocaine, a Schedule II controlled substance, and marijuana, a Schedule I controlled substance.

Before defendant MICHAEL LYNN ASHFORD committed the offense charged in this Count, he was convicted of the following offenses:

- (1) Conspiracy with Intent to Deliver Crack Under 10 grams, in Dubuque County District Court, on or about May 12, 2020, in case number FECR135419, a felony drug offense
- (2) Manufacture/Delivery of Cannabis, more than 30 grams but not more than 500 grams, in the Circuit Court of Cook County, on or about August 27, 2013, in case number 12CR1251301, a felony drug offense
- (3) Delivery of Cannabis on school grounds, greater than 30 and less than 500 grams, in the Circuit Court of Cook County, on or about May 30, 2000, in case number 00CR1021401, a felony drug offense

This was in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), 841(b)(1)(D), and 851.

Count 5

Conspiracy to Tamper with a Witness

In or about September 2022 and continuing until in or about October 2022, in the Northern District of Iowa, defendants MICHAEL LYNN ASHFORD and JENISE COLVIN, knowingly and willfully conspired and agreed together and with each other, to knowingly intimidate, and corruptly persuade K.B. with the intent to influence, and prevent the testimony of K.B. in an official proceeding, federal grand jury and federal trial, and with the intent to hinder, delay, and prevent the communication to law enforcement officers of information relating to the commission of a Federal offense in violation of Title 18, United States Code, Sections 1512(b)(1) and 1512(b)(3).

This was in violation of Title 18, United States Code, Sections 371 and 1512(k).

Count 6

Tampering with a Witness

In or about September 2022 and continuing until in or about October 2022, in the Northern District of Iowa, defendant JENISE COLVIN, did knowingly attempt, and did aid and abet another individual, to intimidate, and corruptly persuade K.B. by calling him on the phone and telling him not to testify, not to go to court, and to recant his previously made statements by signing an affidavit, with the intent to influence, and prevent the testimony of K.B. in an official proceeding, federal grand

jury, and with the intent to hinder, delay, and prevent the communication to law enforcement officers of information relating to the commission of a Federal offense.

This was in violation of Title 18, United States Code, Sections 1512(b)(1), 1512(b)(3), and 2.

Count 7

Tampering with a Witness

On or about October 8, 2022, October 10, 2022, and October 11, 2022, in the Northern District of Iowa, defendant MICHAEL LYNN ASHFORD, knowingly attempted to intimidate, and corruptly persuade K.B. by calling him on the phone and telling him not to testify, not to go to court, and to recant his previously made statements by signing an affidavit, with the intent to influence and prevent the testimony of K.B. in an official proceeding, a federal trial, and with the intent to hinder, delay, and prevent the communication to law enforcement officers of information relating to the commission of a Federal offense.

This was in violation of Title 18, United States Code, Sections 1512(b)(1) and 1512(b)(3).

Drug Related Forfeiture Allegation

1. The allegations contained in Counts 1 and 4 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 841, the defendant,

MICHAEL LYNN ASHFORD, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses, including, but not limited to the following:

a. \$1,621 in United States Currency

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

Firearm Forfeiture Allegation

By virtue of having committed the acts specified in Counts 2 and 3 of this Indictment, defendant MICHAEL LYNN ASHFORD shall forfeit to the United States any firearm and ammunition involved in or used in the knowing violation of Title 18, United States Code, Section 922(g)(1), including but not limited to the firearm listed above.

This is pursuant to Title 18, United States Code, Section 924(d)(1), and
Title 28, United States Code, Section 2461(c).

TIMOTHY T. DUAX
United States Attorney

By:



NICOLE LYN NAGIN
Special Assistant United States Attorney

A TRUE BILL

s/ Foreperson

11-17-2022

Grand Jury Foreperson

Date

PRESENTED IN OPEN COURT
BY THE
FOREMAN OF THE GRAND JURY

And filed 11/17/2022
PAUL DE YOUNG, CLERK